

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHARLES J. BISHOP,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

Case No. 3:12-cv-00224-MMD-WGC

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

Before the Court is Magistrate Judge William G. Cobb's Report and Recommendation ("R&R") (dkt. no. 19), regarding Charles J. Bishop's Motion to Remand (dkt. no. 14) and Defendant Michael J. Astrue's Cross Motion For Summary Judgment (dkt. no. 16). Plaintiff did not respond to the Cross-Motion for Summary Judgment. Judge Cobb entered the R&R on July 15, 2013. The Court allowed Plaintiff to file any objections by August 1, 2013, but no objections were filed.

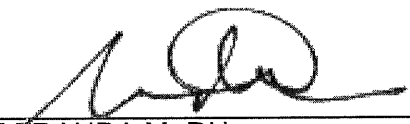
This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's

1 report and recommendation where no objections have been filed. See *United States v.*  
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
3 employed by the district court when reviewing a report and recommendation to which no  
4 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
5 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
6 district courts are not required to review "any issue that is not the subject of an  
7 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then  
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in  
12 order to determine whether to adopt the R&R. The R&R finds that the ALJ's decision to  
13 uphold the denial of Plaintiff's disability claims was supported by substantial evidence on  
14 the record. The R&R thus recommends that the Court deny Plaintiff's Motion to Remand  
15 (dkt. no. 14) and grant Defendant's Cross Motion for Summary Judgment (dkt. no. 16).  
16 Upon review of the R&R and the record in this case, the Court determines that it is  
17 appropriate to adopt the R&R in full.

18 It is hereby ordered that the R&R (dkt. no. 19) is accepted and adopted. Plaintiff's  
19 Motion to Remand (dkt. no. 14) is denied and Defendant's Cross-Motion For Summary  
20 Judgment (dkt. no. 16) is granted.

21 DATED THIS 12<sup>th</sup> day of May 2014.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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